

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT DIVISION  
FISCAL YEAR 2007 ENFORCEMENT STATUS REPORT  
JULY 1, 2006 through JUNE 30, 2007**

*The Enforcement Division (ENFD) is responsible for the implementation, coordination and tracking of Department of Environmental Quality (DEQ) enforcement activities, and for the investigation and response to spills and citizen complaints that allege impacts to human health and the environment. The Enforcement Division consists of the Complaint Management Section and the Case Management Bureau.*

**I. Complaint Management Statistics**

**Total number of complaint and spill reports received during the report period was 973.**

In an effort to delineate areas of regulatory responsibility for complaints received by the Department, a complaint type is assigned that generally relates to program authority. The Complaint Management Section is responsible for the initial investigation of all complaints to determine their validity and to ensure proper follow-up occurs (if needed). Spills being recorded are typically associated with unauthorized material releases resulting from vehicle accidents, mechanical malfunctions, or human error.

Number of Complaint / Spill Reports by Type (DEQ Program or Environmental Media) & General Group				
Air Quality - Dust	104	Spills (not impacting water)	15.3%	149
Air Quality - Emissions	66	Clandestine Drug Lab		3
Air Quality - Odors	5	Historical Clandestine Drug Lab		3
Air Quality - Open Burning	34	Solid Waste		63
Asbestos	64	Junk Vehicles		55
Indoor Air Quality	0	Septic Pumpers		4
Total Air Quality Related	28.1% 273	Sewage		6
Water Quality	106	Septage From Drain Fields Etc		0
Spills (impacting water)	49	Hazardous Waste		16
318 Permit	3	Used Oil		29
Watershed Management (TMDL)	0	Pesticides		4
Release of Chemicals from Tanks *	0	Municipal Waste Water Treatment Systems		11
Release of Chemicals from Pipelines	63	Superfund		3
Suspect Hydrocarbon Release	0	Total Waste Related	20.2%	197
Underground Storage Tank Regulation	15	Abandoned Mines		1
Subdivisions	29	Strip and Underground Mining		0
Animal Feedlot Operation	15	Opencut Gravel Mining		13
Concentrated Animal Feedlot Operations	7	Metal Mines		3
Surface Water (MPDES) Permits	32	Total Mining Related	1.7%	17
Ground Water (MGWPCS) Permits	4	Major Facility Siting Act (MFSA)	0.2%	2
Public Water Supply Systems	8	Other (Outside DEQ Authority)	0.4%	4
Nonpoint Source	0			
Total Water Related	34.0% 331	<b>TOTAL FOR ALL COMPLAINTS</b>		<b>973</b>

\*Note that these are releases reported through ENFD. The Hazardous Waste Site Cleanup Bureau received 66 leak reports directly during this time.

**Status of complaint and spill reports received during reporting period:**

Complaint reports are sent to the ENFD for initial investigation and database entry. Referral occurs when the determination is made that the complaint falls under a specific regulatory authority either within DEQ or an outside agency.

Status of Complaint Spill Reports *	
Active (under investigation by ENFD)	189
Active Referred (to other DEQ program for investigation and follow-up)	77
Active Enforcement Case (complaint that led to a request for enforcement action)	28
Closed (resolved by ENFD)	300
Closed by Program (resolved by other DEQ program)	107
Closed No Violation (ENFD investigation determined no violation occurred)	85
Closed Referred (referred to outside Agency for resolution)	157
Closed Not Enough Information (not enough information was provided or documented to validate)	30
	973

\*Status as of 6/30/07. Please note that the status of complaints and spills can change on a daily basis as work progresses.

## II. Case Management Statistics

The following tables provide various statistics concerning enforcement actions taken by the Department of Environmental Quality from July 1, 2006 through June 30, 2007.

Enforcement Actions Processed by Statute												
	Enforcement Requests			Status of Enforcement Requests*								
	Total Caseload	Cases continuing FY06	Actions requested FY07	Case Development	Demand	In Litigation	BER Appeal	Under Order	Referred Cases	Vacated, Stayed or Suspended	Withdrawn	Closed
Asbestos Control Act	13	10	3	0	2	2	0	5	0	0	0	4
Clean Air Act of Montana	43	22	21	3	4	1	1	15	2	0	0	17
Metal Mine Reclamation Act	6	3	3	2	0	0	1	1	0	0	0	2
Montana Hazardous Waste Act	11	9	2	1	2	1	0	6	0	1	0	0
Montana Solid Waste Management Act	12	10	2	1	0	2	0	7	0	0	0	2
Montana Underground Storage Tank Act	60	49	11	2	0	6	0	12	0	0	8	32
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	3	2	1	0	0	0	0	2	0	0	0	1
Motor Vehicle Recycling & Disposal Laws	14	13	1	2	0	1	0	10	1	0	0	0
Opencut Mining Act	81	32	49	43	0	0	1	15	0	0	5	17
Public Water Supply Laws	251	126	125	25	5	7	4	92	31	0	11	76
Sanitation in Subdivision Laws	10	10	0	4	0	2	0	1	0	1	0	2
Septic Disposal and Licensure Laws	3	2	1	1	0	0	0	2	0	0	0	0
Strip and Underground Mine Reclamation Act	7	2	5	2	0	0	1	3	0	0	0	1
Water Quality Act	44	33	11	4	1	3	4	18	0	3	2	9
Water Treatment Plant Operations	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>558</b>	<b>323</b>	<b>235</b>	<b>90</b>	<b>14</b>	<b>25</b>	<b>12</b>	<b>189</b>	<b>34</b>	<b>5</b>	<b>26</b>	<b>163</b>

\*Status as of 6/30/07. Please note that the status of cases will change as work progresses.

### Case status explanations

**Case Development:** Case is being developed in the Enforcement Division and/or Legal Unit. Activities include: 1) preparation and review of files and evidence; 2) preparation of administrative and judicial enforcement documents; and 3) preparation of penalty calculations.

**Demand:** Defendant and the Department are engaged in administrative settlement negotiations; e.g., a demand letter has been sent to the defendant, the defendant has been requested to consent to a draft administrative order, etc.

**In Litigation:** Defendant and the Department are engaged in pre-complaint settlement negotiations; e.g., the defendant has been requested to stipulate to a draft consent decree, etc.

**BER Appeal:** Defendant has formally requested a hearing with the Board of Environmental Review regarding a Department-issued order.

**Under Order:** Violator is subject to a legally-enforceable administrative or judicial order.

**Referred Case:** Case referred to another agency for case management.

**Vacated:** Case was vacated, either by mutual agreement or by the court, and is closed.

**Stayed:** Case in which the Department refrains from enforcing an administrative order against a violator.

**Suspended:** Case that is discontinued temporarily or permanently, but is not closed.

**Withdrawn:** Enforcement Request was withdrawn before case development began.

**Closed Enforcement Case:** Case is closed. The defendant has satisfied the terms of the settlement agreement or order.

Analysis of Enforcement Actions by Enforcement Action Type					
Statute	2007 Case Load	Enforcement Action Type			
		Admin.	Civil	Criminal	Referred
Asbestos Control Act	13	7	6	0	0
Clean Air Act of Montana	43	32	9	0	2
Metal Mine Reclamation Laws	6	5	1	0	0
Montana Hazardous Waste Act	11	4	7	0	0
Montana Solid Waste Management Act	12	7	5	0	0
Montana Underground Storage Tank Act	60	48	12	0	0
MT Underground Storage Tank Installer and Inspector Licensing and Permitting Act	3	2	1	0	0
Motor Vehicle Recycling and Disposal Laws	14	3	10	0	1
Opencut Mining Act	81	77	4	0	0
Public Water Supply Laws	251	198	17	0	36
Sanitation in Subdivision Laws	10	7	3	0	0
Septic Disposal and Licensure Laws	3	2	1	0	0
Strip and Underground Mine Reclamation Act	7	7	0	0	0
Water Quality Act	44	37	7	0	0
Water Treatment Plant Operations	0	0	0	0	0
TOTAL	558	436	83	0	39

Penalty Statistics (in dollars)							
Statute	Orders w/ Penalties SFY2007	Monetary Settlement Penalties		Monetary Penalties Collected		Penalties Suspended	Suppl. Env. Project
		Admin.	Civil	Admin.	Civil		
Asbestos Control Act	5	\$33,075	\$71,466	\$33,075	\$5,500	\$28,050	
Clean Air Act of Montana	15	\$157,206		\$292,950		\$500	\$134,211
Metal Mine Reclamation Laws	1	\$1,327		\$4,427			
Montana Hazardous Waste Act	0						
Montana Solid Waste Management Act	1	\$1,375		\$1,525	\$5,700		
Montana Underground Storage Tank Act	27	\$31,738	\$17,160	\$31,658	\$15,000	\$306,990	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	2	\$2,612		\$2,612			
Motor Vehicle Recycling and Disposal Laws	0						
Opencut Mining Act	21	\$25,887		\$19,204			
Public Water Supply Laws	96	\$93,511	\$19,000	\$53,833	\$18,000	\$56,209	
Sanitation in Subdivision Laws	0				\$1,500		\$74,250
Septic Disposal and Licensure Laws	0				\$7,281		
Strip and Underground Mine Reclamation Act	2	\$17,241		\$12,500		\$24,881	
Water Quality Act	10	\$165,025	\$10,500	\$114,135	\$10,500	\$53,648	\$10,900
Subtotal*	180	\$528,997	\$118,126	\$565,919	\$63,481	\$470,278	\$219,361
TOTAL		\$647,123		\$629,400			

\* The amount of Penalties Collected does not equal the Settlement Penalties because: 1) penalties were not due before the end of FY2007; 2) penalties are being paid under a payment schedule; 3) portions of penalties have been suspended; 4) the violator has failed to pay the penalty; 5) the violator has appealed the penalty order; or 6) the violator is or may be insolvent. In instances where the violator has not paid a penalty that is owed, the Department is actively pursuing collection.